

1 KELLY A. JOHNSON  
Acting Assistant Attorney General  
2 Environment & Natural Resources Division  
United States Department of Justice  
3 STEPHEN M. MACFARLANE (NY 2456440; D.C. 439139)  
Natural Resources Section  
4 Environment & Natural Resources Division  
United States Department of Justice  
5 501 "I" Street, Suite 9-700  
Sacramento, California 95814  
6 TEL: (916) 930-2204  
FAX: (916) 930-2210  
7 DAVID B. GLAZER (D.C. 400966)  
Natural Resources Section  
8 Environment & Natural Resources Division  
United States Department of Justice  
9 301 Howard Street, Suite 1050  
San Francisco, California 94105  
10 TEL: (415) 744-6491  
FAX: (415) 744-6476  
11 JAMES A. MAYSONETT (D.C. 463856)  
Wildlife & Marine Resources Section  
12 Environment & Natural Resources Division  
United States Department of Justice  
13 601 "D" Street, N.W., Third Floor  
Washington, D.C. 20004  
14 TEL: (202) 305-0216  
FAX: (202) 305-0275  
15

16 Attorneys for Federal Defendants

17 UNITED STATES DISTRICT COURT  
18 EASTERN DISTRICT OF CALIFORNIA  
SACRAMENTO DIVISION

19	NATURAL RESOURCES DEFENSE	)	CV-S-88-1658 LKK/GGH
20	COUNCIL, INC., <i>et al.</i>	)	
		)	
21	Plaintiffs,	)	STIPULATION OF THE PARTIES AND
	v.	)	PROTECTIVE ORDER
		)	GOVERNING CONFIDENTIALITY OF
22	KIRK RODGERS, Regional	)	SETTLEMENT NEGOTIATIONS AND
	Director, UNITED STATES	)	DOCUMENTS AND INFORMATION
23	BUREAU OF RECLAMATION,	)	EXCHANGED
	<i>et al.</i> ,	)	
24		)	
	Defendants,	)	
25		)	
		)	
26	ORANGE COVE IRRIGATION	)	Date: N/A
	DISTRICT, <i>et al.</i> ,	)	Time: N/A
27		)	
	Defendants-Intervenors.	)	
28		)	<u>Hon. Gregory G. Hollows</u>

1 WHEREAS the Parties to this Stipulation and Order governing the confidentiality of  
2 settlement negotiations and documents and information exchanged therein ("Stipulation and  
3 Order") have been engaged in intensive and good faith settlement talks and desire to continue to  
4 work towards a negotiated resolution of this matter, and

5 WHEREAS the Parties agree that it is necessary that the confidentiality of certain  
6 documents, communications, and other information exchanged in the course of such negotiations  
7 be maintained in order to allow the Parties to successfully pursue settlement,

8 It is THEREFORE stipulated by the Parties that the Court should enter the following  
9 ORDER:

10 1. All documents, communications, and other information exchanged by the Parties  
11 to the settlement negotiations that commenced on November 14, 2005, are hereby to be  
12 maintained as confidential and shall not be disclosed to any non-party to this case, until further  
13 Order of this Court, except by mutual agreement of the Parties hereto. Each of the undersigned  
14 Parties may disclose any such documents, communications, and other information to their  
15 officers, employees, retained consultants, and expert witnesses, as necessary and appropriate to  
16 further such settlement negotiations.

17 2. No party to this Stipulation and Order may use any documents, communications,  
18 or other information, as described above, for any purpose other than the furtherance of the  
19 settlement negotiations described herein.

20 3. Nothing in this Stipulation and Order prevents the disclosure or use of documents,  
21 communications, or other information obtained outside of the settlement negotiations described  
22 herein, solely because such material may also have been exchanged during the settlement  
23 negotiations.

24  
25 SO STIPULATED:

For Plaintiffs

26 Dated: November 15, 2005

/s/Hamilton Candee

Hamilton Candee

Natural Resources Defense Counsel

111 Sutter Street, 20<sup>th</sup> Floor

San Francisco, California 94104

1 TEL: (415) 875-6100  
2 FAX: (415) 875-6161  
3 Email: [hcandee@nrdc.org](mailto:hcandee@nrdc.org)

4 For the Federal Defendants

5 Dated: November 15, 2005 /s/David B. Glazer  
6 David B. Glazer  
7 Environment & Natural Resources Division  
8 Natural Resources Section  
9 United States Department of Justice  
10 301 Howard Street, Suite 1050  
11 San Francisco, California 94105  
12 TEL: (415) 744-6491  
13 FAX: (415) 744-6476  
14 Email: david.glazer@usdoj.gov

15 For the Friant Water Users Authority

16 Dated: November 15, 2005 /s/Daniel M. Dooley  
17 Daniel M. Dooley  
18 Dooley, Herr & Peltzer, LLP  
19 100 Willow Plaza, Suite 300  
20 Visalia, California 93291  
21 TEL: (559) 636-0200  
22 FAX: (559) 636-9759  
23 Email: ddooley@dhlaw.net

24 PURSUANT TO STIPULATION, IT IS SO ORDERED.

25 Dated: 11/18/05 /s/ Gregory G. Hollows

26 HON. GREGORY G. HOLLOWS  
27 United States Magistrate Judge

28 nrdc.po